



**STATE OF CALIFORNIA, COUNTY OF SIERRA  
BOARD OF SUPERVISORS  
MINUTES  
REGULAR MEETING**

**Lee Adams, Chair, District 1**

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**Scott A. Schlefstein, District 5**

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on August 16, 2016 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at [www.sierracounty.ca.gov](http://www.sierracounty.ca.gov).

**PLEDGE OF ALLEGIANCE:** Led by Supervisor Beard

**ROLL CALL**

**Present:** Lee Adams, Supervisor, District #1  
Peter W. Huebner, Supervisor, District #2  
Paul Roen, Supervisor, Chair, District #3  
Jim Beard, Supervisor, Vice-Chair, District #4  
Scott A. Schlefstein, Supervisor, District #5

**Staff:** Heather Foster, County Clerk-Recorder  
Joe Larmour, Deputy County Counsel  
Van Maddox, Auditor/Treasurer Tax-Collector  
Tim Beals, Director of Planning and Transportation  
Darden Bynum, Director of Health and Human Services  
Tim Standley, Sheriff-Coroner

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## **APPROVAL OF CONSENT ITEMS**

At the request of the Clerk, Consent Item H was pulled from the agenda.

The Board moved to approve the Consent Agenda as amended.

**APPROVED as amended.** Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

## **12. CONSENT AGENDA**

12.A. Cash Audit Report for the quarter ended June 30, 2016. (AUDITOR)

12.B. Treasurer's Investment Report and Statement of Liquidity for the period April 1, 2016 through June 30, 2016. (AUDITOR)

12.C. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Jerome McCaffrey Applicant and Landowner: Consideration of a Parcel Merger to merge adjacent commonly owned parcels. (PLANNING)

**APPROVED,** Agreement 2016-100

12.D. Agreement for professional services between National Council on Crime and Delinquency and Sierra County for Internet Access to Safe Measures. (SOCIAL SERVICES)

**APPROVED,** Agreement 2016-101

12.E. Resolution approving amendment A03 to Agreement 2014-123 between the Department of Health Care Services and Sierra County Behavioral Health for Substance Use Disorder (SUD) services for fiscal years 2014-2015 through 2016-2017. (BEHAVIORAL HEALTH)

**ADOPTED,** Resolution 2016-085

**APPROVED,** Agreement 2016-102

12.F. Resolution of appreciation for James A. Curtis, Sierra County Counsel. (CHAIR ADAMS)

12.G. Resolution of appreciation to Christian Curtis, Deputy Sierra County Counsel. (CHAIR ADAMS)

12.H. Minutes from the regular meeting held on June 7, 2016. (CLERK-RECORDER)

12.I. Minutes from the regular meeting held on July 19, 2016. (CLERK-RECORDER)

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## **APPROVAL OF REGULAR AGENDA**

The Board moved to approve the Regular Agenda.

**APPROVED.** Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

## **REGULAR AGENDA**

### **2. PUBLIC COMMENT OPPORTUNITY**

At 9:03 a.m. Chair Adams opened the public comment opportunity.

Mr. Don Yegge, Sierra Brooks informed the Board that the Sala Family Dentistry in Reno is offering a free dental clinic to veterans on August 26<sup>th</sup>.

At 9:05 a.m. Chair Adams closed the public comment opportunity with no further persons addressing the Board.

### **3. COMMITTEE REPORTS & ANNOUNCEMENTS**

Supervisor Schlefstein reported on the Sierra County Housing Authority noting the information pamphlet and application for services for the weatherization program for low income households is available at the Department of Health and Human Services in Downieville and Loyalton and at the Family Resource Center in Loyalton.

A moment of silence was held in memory of Loyalton Fire Chief Joe Marin.

### **4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS**

The Sheriff reported on the Downieville Mountain Brewfest and the Sheriff's office acquiring a new boat from the California Division of Boating and Waterways at no cost to the County as it is paid for by the Marine Patrol Grant.

The Director of Health and Human Services provided update on the Zika virus noting the Department of Public Health stands by the statewide announcement.

The Director of Planning reported on the Planning Commission's approval of the Verizon tower at the Sierraville School; Plumas Sierra Rural Electric also proposing to install a wireless facility in Sierraville which hearing will be held on August 25, 2016 in Downieville; a meeting held with the Bureau of Reclamation held on August 11, 2016 regarding the Stampede Dam Project and the solid waste impacts from the trailer park the Forest Service has leased to the contractor for a two year period; and the removal of trees along the county roadside and filing a claim under the state Tree Mortality Program for removing the trees.

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The Director also reported on the Sierra Brooks Water project noting they are advancing with the approved land adjustment agreement and the project is almost ready to move forward with the assessment district proceedings and fee.

Supervisor Schlefstein thanked the Director for covering the Sierra Brooks Water project.

In response to Supervisor Schlefstein's inquiry, the Director reviewed Plumas Sierra Rural Electric's request for a special use permit.

Mr. Richard Featherman, Goodyears Bard addressed making money with the product from the trees cut by the Road Department.

## **5. FOREST SERVICE UPDATE**

Mr. Craig Wilson, District Biologist provided update to the Board on various matters in the District.

In response to Supervisor Schlefstein's inquiry, Mr. Wilson clarified that the Sardine Lookout is available for rent in the summer and it is a free rental.

### **9.B. Discussion/action regarding county costs incurred for drug enforcement activities on national forest system lands. (CHAIR ADAMS)**

Chair Adams referred to the discussion held at the Department Managers meeting and the Finance Committee members concerns with the costs should the prosecution stay in the County's hands. Chair Adams added that the District Attorney has mentioned that the prosecution isn't that much, however there are costs associated with the court for interpreters in the amount of \$500 per day and the greatest concern is if the four defendants stay in county custody at a cost of \$800 a day which is approximately \$9,000 per month.

Chair Adams added that if the County were assisting the Forest Service then these guys would be in federal custody, however it seems the Forest Service is assisting the County with this and he would love to see a way for the County to recoup some of these costs. He would like the Board to request the Sheriff and any other county agency involved to track their costs so the County can be prepared to submit a bill to the US Government. He would also be willing to draft a letter to our congressional delegation and the chief of the Forest Service to bring this to their attention as there are some huge financial impacts to the County.

By consensus, the Board authorized the Chair to draft the letter for approval at the next meeting and directed the Sheriff to track his costs.

In response to Mr. Featherman's inquiry, the Chair explained that the chemicals used were on national forest system lands and not on County land, so the cleanup is

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the responsibility of the Forest Service. Chair Adams also clarified that the substance found is illegal in the United States.

## **6. HEALTH & HUMAN SERVICES - Darden Bynum**

### **6.A. Discussion/direction regarding partnering with Western Sierra Medical Clinic for Wellness Outreach.**

The Director of Health and Human Services indicated he is seeking direction and input from the Board for collaboration with the Western Sierra Medical Clinic. The Director further explained the move across the state for existing public and private social services agencies to import health care delivery platforms which is what the Western Sierra Medical Clinic has done outside of the Grass Valley hub. This is the reversal of this and is taking an existing primary care delivery platform and offering a wider array of options to this primary care platform. This is offering peer support staff to help augment the existing staffing arrangement to the clinic to strengthen their existence in the community.

Supervisor Schlefstein indicated that the Advisory Board has held a lot of discussion about this and he believes this is very worthwhile and needed support mechanism for our communities.

The Director added that this is an offering to help children and families and they will have an MOU between the respective agencies which will be submitted to the Board for approval prior to starting the partnership.

By consensus, the Board authorized the Director to move forward with partnering with the Western Sierra Medical Clinic.

Chair Adams further questioned if this will be done with existing or new employees?

The Director explained this is new extra-help positions with existing job descriptions.

Chair Adams indicated that he would like to see this done with existing staff.

## **7. PUBLIC WORKS/TRANSPORTATION - TIM BEALS**

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- 7.A. Authorization to execute quitclaim deed to Jerome L. McCaffrey on ownership interest in an unnamed alley previously abandoned by the Board of Supervisors on April 5, 2016.

The Director of Public Works provided background on the item, noting the question came up following the recording of the vacation of the road with respect to who owns the strip of land. There isn't clear evidence of clear ownership of this strip of land. County Counsel has indicated that the remedy to this was to quitclaim this strip of land to Mr. McCaffrey since he owns both sides of the road. The Director added that in terms of perfecting title this is not something the County can take action on as this is up to the private parties who should obtain a quiet title.

The Board moved to authorize the execution of a quitclaim deed to Jerome L. McCaffrey on ownership interest in an unnamed alley previously abandoned by the Board of Supervisors on April 5, 2016.

**APPROVED.** Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

- 7.B. Discussion/direction with regard to denial of claim filed with Liberty Energy for reimbursement of costs incurred at the Sierra Brooks Water System due to power failure in November, 2015.

The Director of Public Works explained this was a power outage which was the fault of the Utility Company and what he thought would be accepted without hesitation has turned out to be a denial of the claim which is concerning to him. He believes there is a certain amount of time to pursue the claim following a denial and would recommend the Board do what it can and seek damages for the power outage.

Following brief discussion regarding the appeal process and by consensus, the Board continued this item to a future meeting and authorized the Director and County Counsel to address this issue and to take action if necessary in order to not miss any deadlines.

## **10. TIMED ITEMS**

### **10.A. 10:00AM PUBLIC HEARING - SOLID WASTE FEE**

Conduct public hearing on question of imposing solid waste fees for 2016/2017 as set forth in Resolution 2016-068 and adoption of resolution certifying the results of the Proposition 218 protest proceedings regarding solid waste fees.

At 10:03 a.m. Chair Adams opened the public hearing.

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Comments were received from the following members of the public in protest of the solid waste fees:

- Richard Featherman, Goodyears Bar
- Shawn Felton Price, Loyalton
- Joe Arata, Sierra City
- Unknown Gentlemen, previously worked at the County transfer stations
- Daniel Belau, Ramshorn Summer Home Track
- Denise Brown, Sierra Brooks
- Chris Collen, Sierraville

In response to Mr. Collen's concerns, the Solid Waste Fee Administrator explained that his fee is twice as much as he owns a duplex and the fee is based on per residence. Any property that has more than four units is considered non-residential and is required to have mandatory pickup; Mr. Collen has two units which is why he has two fees.

In response to concerns expressed by members of the public, the Director of Public Works explained the County receives \$.70 per ton for scrap metal and \$.20 per pound for aluminum. There is no market for cardboard, plastic or glass. The County teams up with Intermountain Disposal to recycle however we still don't get much reimbursement from those recyclables; aluminum is really the only one we can take advantage of.

The Director continued to review the history of the landfill and the initial policy of the Board not wanting people living in outlying areas of the County to be penalized so everyone was treated the same for the cost of fees paid. The Director continued to explain how expensive the required environmental regulations are to the County; how the County's cost per yard is very competitive as you can take any amount of waste to the landfill and there is no gate fee; and the increased costs to the system as a result of the Loyalton Hotel Fire, the Loyalton Mobile Home Park and the state imposed methane monitoring and well development through a compliance order.

The Director continued to explain that paying for home service/pickup has nothing to do with Sierra County, rather it is strictly a service and has the same impact to the landfill and is a cost burden to the County. The landfill is going to close by 2017 and the County will have to tighten down the waste stream to get the waste to another location. The County is going to have to use the Plumas County MRF or their transfer station and all of these costs will have to be borne by the County. The Director added that there are going to be a number of meetings with the Board and he would encourage everyone to attend so they understand how the waste stream is going to be handled once the landfill is closed. The County is also going to have to monitor the landfill for 30 years after it closes, so the costs are not going to go away.

In response to Supervisor Schlefstein's inquiry regarding the cost to cap the landfill when it closes, the Director explained that the traditional method of closing a

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landfill is to put several feet of material free of waste capped over the landfill which has to be sloped and drained properly and all drainage has to go into a system which also has to be monitored and analyzed and reported to the state. The Director continued to explain that the County is hoping to reduce the cost of closure by using onsite materials which is a method that has been approved by the state.

The Director indicated that the annual cost of the system once the system is closed would be between \$70,000 and \$100,000 per year and the initial cost of closure is several million.

Supervisor Schlefstein clarified that the reason this is such an expensive situation is due to the state forcing the County to close the landfill and in the meantime forcing the County to have a post closure fund, test for methane, drill wells, and a number of other particular regulatory requirements.

The Director noted that the state's requirements have increased the cost of this operation dramatically. This would be hundreds of thousands of dollars less per year if the state wasn't making these requirements.

Chair Adams indicated that the County is reactivating the Solid Waste Citizens Committee to address the change in the system. This is an enterprise fund and it has to balance at the end of the year and doesn't involve general tax money. The shared cost, while seen unfair especially to second home owners, is something that is routinely done in public services including police, fire and schools.

Chair Adams continued to explain in detail the current system and the reasons for the costs associated with it.

Following discussion, Supervisor Huebner noted he read through all of the protest letters and most of the complaints are from part-time residents; if someone bought a second home they knew what they were buying. The County makes it easy for people so those who come up on the weekend can use the dump on Sundays. He believes this Board is very friendly and listens to the public. The County has tried gate fees which didn't work and believes the \$35.07 per month is not going to break anyone's budget. Sierra County's fee is also lower than most other counties and cities.

Considerable discussion ensued pertaining to the reduction in the footprint of the landfill by the state due to finding Freon; Nevada County's landfill having closed years ago due to failing which cost them millions and their waste is now trucked to Lockwood; the Grand Jury's recommendation for a third tier solid waste fee for churches, small organizations but not for part-time residents; and current gate fees for, tires, Freon and demolition if a permit was not obtained.

At 11:10 a.m. Chair Adams closed the public hearing.

The Clerk announced the results of the Proposition 218 protest vote noting there were 329 written protests received against the imposition of the solid waste fees which



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represents approximately 15 percent of the 2176 total properties to be assessed the fee.

The Board moved to adopt the resolution certifying the results of the Proposition 218 protest proceedings regarding solid waste fees.

**ADOPTED**, Resolution 2016-086. Motion: Huebner/Roen/Majority Roll Call Vote: 4/1 (Supervisor Beard NO)

## **8. PLANNING / BUILDING - Tim Beals**

- 8.A. Report on the Reno City Council meeting held on August 3, 2016 and further direction to staff on position to be considered before the Reno City Council on Long Valley development issue.

The Director of Planning provided background on the Reno Planning Commission meeting, expressing concerns with the lack of a planning process, no CEQA and the impacts to water, traffic, deer herds, and the Sierra County Sheriff's office.

The Director added that the Planning Commission's recommendation to the City Council was approval and their process is to change the master plan now. They also informed him that the County should have been involved in the master plan update and he replied that the County would have had the County been notified. He believes the elected officials in Reno will be a little more attentive to some of these issues. His recommendation at this point is to follow the project and forward a similar letter once this gets to the City Council requesting a meeting with the City Council member who represents the area and staff and have a discussion regarding the impacts of the development.

Chair Adams indicated that the state line prevents CEQA from being used in Nevada even though the development will have impacts in California and questioned if there are any agencies that this should be on their radar including the Sierra Nevada Conservancy, Lahontan Water Quality Control Board, etc.?

Following further discussion, Chair Adams suggested a formal letter and bringing this to the attention of some federal regulatory agencies, the Department of Fish and Wildlife at the federal level, Congressman Doug LaMalfa, California's two US Senators and the congressional representatives in the Reno area in order to see if we can at least get their attention.

At the request of the Director and by consensus the Board authorized the Director to send a letter similar to the letter the Board previously sent to the Reno Planning Commission, to the Reno City Council.

Ms. Jan Loverin, Long Valley thanked the Board for upholding their values of ranching and open space. Ms. Loverin further expressed concerns with the increased

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use of their dirt road from this development and requested the Board consider the option of dead ending Sierra County Long Valley Road 570 or include access and road maintenance in the subdivision plan.

Chair Adams noted he would be interested in the road system and what can be done to mitigate traffic in the area at a future meeting.

The Director added that Ms. Loverin bought the County some time when she questioned the City of Reno's noticing requirements as the City didn't notify all of the affected property owners as required in their code.

**10.B. 11:00AM COUNTY BOARD OF SUPERVISORS AND COUNTY SERVICE AREAS JOINT MEETING**

Board of Supervisors to convene as Board of Directors for County Service Area (CSA) 1, 2, 3, 4, 5, and 4A5A (Sierra Brooks Water) and to hold joint meetings as both the County Board of Supervisors and the CSA Board of Directors.

At 11:48 the Board convened as the joint Board of Supervisors and County Service Area Board of Directors.

- 10.B.i. Conduct public hearing on setting Appropriation Limits for the 2016-2017 Fiscal Year for the County of Sierra.
- 10.B.ii. Conduct public hearing on setting Appropriation Limits for the 2016-2017 Fiscal Year for the County Service Areas 2, 3 and 4A5A (Sierra Brooks Water).

At 11:49 a.m. Chair Adams opened the public hearings.

The Auditor provided brief background on the appropriation limits.

At 11:50 a.m. Chair Adams closed the public hearings with no persons addressing the Board.

- 10.B.iii. Conduct public hearing and direction to staff on the 2016-2017 Final Budget for the County of Sierra.
- 10.B.iv. Conduct public hearing and direction to staff on the 2016-2017 Final Budget for the County Service Areas 1, 2, 3, 4, 5, 4A5A (Sierra Brooks Water).

At 11:50 a.m. Chair Adams opened the public hearings.

The Auditor reviewed the memo and spreadsheet outlining the Finance Committee's recommendations to the Board. The Auditor continued to explain that the rollover in the Road Fund was around \$60,000, so there is \$59,607 of unallocated funds

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of which the Committee is recommending two promotions and the rest will go back into items cut during the preliminary budget in order to balance. With respect to Health and Human Services budget the request is for a Behavioral Health Intervention Specialist which is a new extra-help position and two reclassifications that the Committee is requesting the Board make a decision on. At this time the budget is for direction and the General Fund has \$100,000 contingency and the Road Fund doesn't have any contingencies.

Chair Adams explained that while the Committee is recommending the promotions as shown, the Committee was having difficulty with the reclassifications, two in the Sheriff's office and two in Health and Human Services, and recommending 20% of the \$60,000 remaining funding left on the table for other items including labor negotiations, going to two employees. While there were arguments made regarding what these employees do, the Committee sees part of this as the way work is managed within an agency and if someone is doing too much or too many things then maybe this should be given to someone else.

The Auditor noted that with respect to work load increases there is a feeling among management that we could all make the same argument about our employees for reclassification, however there are some specific arguments on these so it is the Board's call.

Following discussion, the Director of Public Works indicated there should be two promotions to Lead Worker and requested working with the Auditor to include this in the budget. The Director also expressed concerns with the Environmental Health Specialist position as there is very specific section in the Health and Safety code that defines what a Director of Environmental Health is and the current position is the only person who is the technical expert and possesses those qualifications. This position needs to have the title and salary of the Director of Environmental Health in order to give this employee the authority they should have. The Director added that this should be a mid-management position and he would like the opportunity to sit with a smaller group to address this.

The Auditor clarified that the dollar amount is right for the two promotions from Road Worker III to Lead.

Chair Adams commented that with respect to the Director's request regarding the Environmental Health Specialist, the Committee did request that these four positions be discussed at the Department Head meeting and not all four were universally supported. Chair Adams suggested sending this position to the Personnel Committee for further review.

It was clarified that the Department Heads and Finance Committee were ok with the reclassification of the Environmental Health Specialist position and the Detective position, however there was still an issue with the reclassification of the Correctional Sergeant position to an Office Manager.

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Following further discussion, Chair Adams suggested holding another Finance Committee meeting at 1:00 p.m. on Monday, August 29<sup>th</sup> with the Department Managers to address the reclassification of four positions.

By consensus the Board directed the Auditor to add the yellow highlighted items in the spreadsheet into the budget.

At 12:11 p.m. Chair Adams closed the public hearing with no persons addressing the Board.

At 12:11 p.m. Chair Adams adjourned the joint meeting of the County Board of Supervisors and CSA Board of Directors and reconvened as the County Board of Supervisors.

## **9. BOARD OF SUPERVISORS**

- 9.A. Continued discussion/direction regarding response to the 2015/2016 Sierra County Grand Jury Report. (CHAIR ADAMS)

Chair Adams provided background noting the deadline to respond is October 6<sup>th</sup> and the Grand Jury is looking for responses on the solid waste issue, the Sierra Brooks Water System and the Fire Districts.

Following further discussion, Chair Adams appointed an ad hoc committee consisting of Supervisors Huebner and Roen, the Director of Public Works and Director of Health and Human Services to deal with these issues and return to the Board.

- 9.C. Adoption of letter to executive director of the Wildlife Conservation Board regarding proposed purchase of additional wildlife conservation lands in Sierra County. (CHAIR ADAMS)

Chair Adams introduced the item and expressed frustration that they continue to purchase property and not pay the taxes or payment in lieu of taxes that they currently owe.

Supervisor Schlefstein indicated that he agrees with the proposed letter however he has concerns with them continuing to buy land all around Loyalton and expanding this wildlife area so no one will be able to access it.

Chair Adams noted his frustration is that the state general fund is controlled by the legislature and the Governor and they are not paying their taxes; this is the dark side of the initiative process in California.

Following further discussion, the Board moved to approve the letter to executive director of the Wildlife Conservation Board regarding proposed purchase of additional wildlife conservation lands in Sierra County.

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**APPROVED.** Motion: Schlefstein/Huebner/Unanimous Roll Call Vote: 5/0

## **11. CLOSED SESSION**

11.A. Closed session pursuant to Government Code 54956.9(d)(2) - anticipated litigation - 1 case.

The Clerk indicated that this was a placeholder and the Board doesn't need to hold closed session.

## **NOON RECESS**

The Board took the noon recess from 12:18 p.m. to 1:31 p.m. and reconvened with Supervisor Schlefstein ABSENT.

### **10.C. 1:30PM APPEAL OF NOTICE TO ABATE - LESTER STROHBIN**

Appeal of Notice to Abate Unlawful Marijuana Cultivation filed by Mr. Lester Strohbin, APNs 004-090-021 and 004-090-023.

Deputy County Counsel briefly reviewed the hearing process in the County Code explaining that all evidence presented must be relevant. The Board can make a determination that the evidence being presented is not relevant and any evidence found relevant may be considered by the Board in their determination.

Mr. Lester Strohbin, Appellant requested entering the following document into the record.

Exhibit A – Letter from Mr. Lester Strohbin dated August 16, 2016 and two pictures of the subject property

Mr. Strohbin reviewed the pictures (Exhibit A) of the eradication of 18 cannabis plants that were not in compliance with the 80 acre parcel. Mr. Strohbin noted there were two people not residing on the property and they destroyed the plants the same day Detective Fisher was at the property. The house was also not in compliance and they are currently working with Brandon Pangman (Assistant Director of Planning/Building) through the Building Department and have an engineer/architect at the house right now in order to get the house under compliance with the County. The relevance of the letter (Exhibit A) is to inform the Board that he is working with an architect and Mr. Pangman and to inform the Board as to why he doesn't believe the remaining plants should be eradicated. He is requesting more time to work with Mr. Pangman and the architect to bring the house into compliance.

In response to Chair Adams' inquiry, Mr. Strohbin clarified that he did receive notice on July 17<sup>th</sup> and the plants that were pulled were those on the 80 acre parcel where there were two non-residents and those plants were eradicated, these are the plants in the photo (Exhibit A).

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In response to Chair Adams' inquiry, Deputy County Counsel clarified that typically if an appeal is filed the plants are left until after the appeal. That wouldn't prove to be true in a summary abatement which would be if there is imminent danger. He believes in this case Mr. Strohbin has self-abated the plants in excess that he could have based on the number of residents on the property. His understanding is Mr. Strohbin's argument under Ordinance 1055 is the remainder would be allowable, but he doesn't have a legal dwelling required under Ordinance 1055.

Detective Mike Fisher noted on July 1<sup>st</sup> he was aboard an air craft conducting counter drug over flights over south west Sierra County. During the over flight he took some photos of the property owned by Mr. Strohbin and Gary Teele. Detective Fisher explained that he has attended specialized training put on by the DEA for identifying marijuana plants from the air and later confirming those by hiking into the location. On July 9<sup>th</sup> he and fellow officers met Mr. Strohbin on his property for an ordinance check and other unrelated matters. Mr. Strohbin graciously showed them the property which had six different cultivation sites spread out over five parcels owned by Mr. Strohbin. He also met Mr. James Linderborg and Mr. Stephen Houle. During that time they located and confirmed the marijuana plants being cultivated and issued a notice to abate on all marijuana plants on the property due to a number of County Code violations, including no lawful dwellings and Mr. Linderborg was cultivating for two additional recommendations found on the property wherein he determined Mr. Linderborg did not meet the requirements of a caregiver under the California Health and Safety Code. The notice to abate was for the 36 plants for the two individuals not living on the property and also for all marijuana plants as there is no lawful dwellings.

In response to Chair Adams' inquiry, Detective Fisher noted he believes the structures on the property were built approximately 10 to 12 years ago.

The Sheriff commented that every time law enforcement has gone to Mr. Strohbin's property he has been very polite, however this should not detract that he should not have had any plants on the property. The rules under Ordinance 1055 have been there for some time and these people have the resources to obtain a copy of Ordinance 1055 and follow the rules and guidelines. The Sheriff further requested the abatement be upheld and zero marijuana plants be allowed. If the Board allows the appeal it could set precedence for future properties of the like.

In response to Deputy County Counsel's inquiry, Mr. Strohbin clarified that the appeal is only in regards to the plants that he personally can grow.

Mr. Strohbin provided his rebuttal statement, noting he has lived on the property for many years and being out where he lives he is not in anyone's space. Even though his house isn't legal he has done everything possible to conceal the plants on his property. He is a little over eight miles above Camptonville off Henness Pass Road.

In response Chair Adams' inquiry, Detective Fisher clarified that if the Board denies the appeal, Mr. Strohbin can self-abate or the Sheriff's office can obtain an

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abatement warrant. If this direction is given then any abatement cost could be placed as a lien against the property.

In response to Supervisor Beard's inquiry, Mr. Strohbin clarified that he lives on the 50 acre parcel.

Deputy County Counsel clarified that the Board would have to give Mr. Strohbin the ten day lawful period to abate after the denial of the appeal.

Supervisor Huebner expressed concerns if Mr. Strohbin doesn't have his medication especially if he didn't know he couldn't grow since his dwelling wasn't in compliance with the County Building Codes.

Supervisor Huebner added that had Mr. Strohbin known his dwelling wasn't correctly done he would have corrected this. Mr. Strohbin is a veteran and served his Country and he needs his medicine, so he believes at least for this year the Board should allow him to have his medication. If he can't harvest his plants he will have to go buy it from someone else.

Mr. Strohbin responded that he would have to go all the way to San Francisco to obtain his medication.

In response to Supervisor Roen's inquiry, Detective Fisher clarified that between Mr. Strohbin and his girlfriend they had 33 plants under cultivation; Stephen Houle who was living on the property had 18 plants that he was cultivating for himself; and Mr. Linderborg had 18 plants which he was cultivating for himself and an additional 18 plants that he was cultivating for his mother as a caregiver and another 18 plants for a gentlemen by the name of Dan Day. Detective Fisher further explained that Mr. Linderborg didn't meet the caregiver the criteria and all of the marijuana that was cultivated was being cultivated on two separate parcels.

Supervisor Beard questioned what the state definition of a caregiver is.

Mr. Strohbin noted he eradicated several plants in the view of Detective Fisher on the 50 acre parcel. What remains now are the six in his garden and those up on the hill, a total of 18 remaining. He is unsure of the number of plants remaining on the 80 acre parcel.

In response to Board inquiry regarding the number of remaining plants on the 80 acre parcel, Mr. Linderborg responded he and Mr. Houle live on the 80 acres and he didn't pull his mom's plants as he wasn't sure if he had to. He takes care of his mother and Dan and doesn't grow for profit. He needs his medicine as he broke his back and without it he can't work. He lives there and just wants to be in compliance.

In response to Supervisor Roen's inquiry, Mr. Linderborg indicated there are 54 plants on the parcel but he is willing to pull the plants in order to come into compliance.

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In response to Chair Adam's inquiry, Mr. Linderborg noted his mother lives in Camptonville which is in Yuba County.

In response to the Sheriff's inquiry, Mr. Linderborg clarified that he doesn't live in a permitted structure.

Deputy County Counsel reviewed California Health and Safety Code Section 11362.5(a) pertaining to the definition of a primary caregiver.

Chair Adams questioned if what the Board does today sets precedence for future appeals?

Deputy County Counsel explained that the administrative record could be considered by a court as an exception.

Chair Adams added that he is also a caring person and would love to find a way to help. He is looking for some sort of halfway point to immediately abate the plants but maybe allow a small number of plants to last an additional month so the plants have some medicinal value. Chair Adams further questioned if by doing this would the Board be going down a slippery slope.

Deputy County Counsel indicated that if the statute doesn't have exemptions or exceptions then ultimately to place an exemption or exception would be a slippery slope.

In response to Supervisor Roen's inquiry regarding the current status of the building permits, the Director of Planning explained with respect to the structure in the photograph (Exhibit A) there would have to be an engineered set of plans that confirms everything from the foundation to snow load and everything inside. The Director continued to explain that the permit will not be issued until the plans are adequate and an inspection has taken place. The structure is approximately 15 years old and they have had four generations of the Building Code since they were built, so they will have to evaluate and try to be flexible and accommodating on the side of the property owner, however there are some life saving measures that aren't negotiable. This is a tough road as they have to look back and there are a number of structures in this region with a similar picture.

Mr. Strohbin indicated that the home was built by an engineer, just without permits. The house was built to withstand the rigors of Sierra County.

Supervisor Beard noted he appreciates that they have answered the Board's questions, however if the Board makes an exception and allows the appeal then they are sending the wrong message to law enforcement for future potential violations.

Mrs. Strohbin noted he believes if they could get by this year with their medicine and get things legally documented then that should give a picture that there is some leniency in the County. If it's not done within the year then they are completely out of



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compliance. He has tried his hardest to understand all of the rules and regulations. He is pleading for a chance to prove himself, to do things right and set an example.

Mr. Linderborg noted he has an architect who is finishing the drafting of the plans for a small cabin on the parcel which will be permitted, engineered and built to code. Also, this ordinance was crafted to keep a public nuisance away and this doesn't constitute a public nuisance as they don't have any neighbors.

Supervisor Roen expressed frustration with Mr. Linderborg having attended these meetings for the last two years and now stating they don't know what the rules are; they just got caught.

Mr. Strohbin concurred that they did get caught and they are trying to comply.

In response to Supervisor Huebner's inquiry as to whether Mr. Strohbin knew he was out of compliance with the Building Code prior to cultivating the plants, Mr. Strohbin responded that he had an inclination that he might be out of compliance but the Sheriff's Office had been out to his property a number of times and never said anything.

Mr. Linderborg added that he assumed it was ok since they had compliance checks in the past.

Following further discussion regarding whether to deny the appeal or continue the hearing, the Board moved to deny the appeal.

**NO ACTION.** Motion: Roen/Adams/TIE Roll Call Vote: 2/2/1 (Supervisors Huebner and Beard NO, Supervisor Schlefstein ABSENT)

Chair Adams clarified that since this was a tie vote and no action taken, the appeal hearing is to be continued to the next meeting to be held on September 6, 2016.

### **13. CORRESPONDENCE LOG**

13.A. Notice of Intent to Harvest Timber submitted by Eric Sweet for Sierra Pacific Industries (the project is located 1.0 to 5.5 miles west and north of Webber Lake).

No action taken.

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**ADJOURN**

At 2:30 p.m., with no further business, Chair Adams adjourned the meeting.

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LEE ADAMS, CHAIR  
BOARD OF SUPERVISORS

ATTEST:

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HEATHER FOSTER  
CLERK OF THE BOARD